



Senate

General Assembly

File No. 57

January Session, 2013

Senate Bill No. 825

Senate, March 18, 2013

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-145 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 Any person desiring to engage in the business of a professional
4 bondsman shall apply to the Commissioner of Emergency Services and
5 Public Protection for a license. Such application shall set forth under
6 oath the full name, age, residence, telephone number and occupation
7 of the applicant, whether the applicant intends to engage in the
8 business of a professional bondsman individually or in partnership or
9 association with another or others, and, if so, the identity of each. It
10 shall also set forth under oath a statement of the assets and liabilities of
11 the applicant, and whether the applicant has been charged with or
12 convicted of crime, and such other information, including fingerprints
13 and photographs, as said commissioner from time to time may require.
14 The commissioner shall require the applicant to submit proof that he

15 or she is at least twenty-one years of age and has received a high
16 school diploma or an equivalent academic education. The
17 commissioner shall require the applicant to submit to state and
18 national criminal history records checks. The criminal history records
19 checks required pursuant to this section shall be conducted in
20 accordance with section 29-17a. No person who has been convicted of
21 a felony shall be licensed to do business as a professional bondsman in
22 this state. No person engaged in law enforcement or vested with police
23 powers shall be licensed to do business as a professional bondsman.
24 No person who has not attained twenty-one years of age or has not
25 received a high school diploma or an equivalent academic education
26 shall be licensed to do business as a professional bondsman.

27 Sec. 2. Section 29-147 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2013*):

29 Each professional bondsman licensed under the provisions of this
30 chapter may apply for a renewal of his license upon renewal
31 application forms provided by the Commissioner of Emergency
32 Services and Public Protection and requiring the disclosure of such
33 information as said commissioner requires in determining whether or
34 not such professional bondsman's financial responsibility remains
35 unimpaired or whether for any other reason such bondsman's fitness
36 to continue in such business has been otherwise altered since the
37 issuance of any prior license. Said commissioner may suspend for a
38 definite term or revoke any license issued under the provisions of this
39 chapter if it appears to said commissioner that (1) such licensee has
40 been convicted of a felony in this state or elsewhere, [or] (2) such
41 licensee is engaged in any unlawful activity affecting his fitness to
42 continue in the business of professional bondsman, [or that his] (3) the
43 financial responsibility of such licensee has been substantially
44 impaired, or (4) such licensee is subject to a restraining or protective
45 order issued by a court in a case involving the use, attempted use or
46 threatened use of physical force against another person.

47 Sec. 3. Section 29-152f of the general statutes is repealed and the

48 following is substituted in lieu thereof (*Effective October 1, 2013*):

49 Any person desiring to engage in the business of a bail enforcement
50 agent shall apply to the Commissioner of Emergency Services and
51 Public Protection for a license therefor. Such application shall set forth
52 under oath the full name, age, date and place of birth, residence and
53 occupation of the applicant. It shall also set forth under oath a
54 statement of whether the applicant has been charged with or convicted
55 of a crime, and such other information, including fingerprints and
56 photographs, as required by the commissioner. The commissioner
57 shall require the applicant to submit proof that he or she is at least
58 twenty-one years of age and has received a high school diploma or an
59 equivalent academic education. The commissioner shall require the
60 applicant to submit to state and national criminal history records
61 checks. The criminal history records checks required pursuant to this
62 section shall be conducted in accordance with section 29-17a. Within
63 five years prior to the date of application, the applicant shall have
64 successfully completed a course in the criminal justice system
65 consisting of not less than twenty hours of study approved by the
66 commissioner. No person who has been convicted of a felony or any
67 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,
68 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-181d shall be
69 licensed to do business as a bail enforcement agent in this state. No
70 person engaged in law enforcement or vested with police powers shall
71 be licensed to do business as a bail enforcement agent. No person who
72 has not attained twenty-one years of age or has not received a high
73 school diploma or an equivalent academic education shall be licensed
74 to do business as a bail enforcement agent.

75 Sec. 4. Section 29-152i of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective October 1, 2013*):

77 The Commissioner of Emergency Services and Public Protection
78 may suspend, revoke or refuse to renew the license of any bail
79 enforcement agent, provided notice shall have been given to the
80 licensee to appear before the commissioner to show cause why the

81 license should not be suspended, revoked or refused renewal, upon a
82 finding by the commissioner that: (1) The licensee has violated any of
83 the terms or provisions of sections 29-152e to 29-152m, inclusive, as
84 amended by this act, or section 38a-660a or any of the regulations
85 adopted under section 29-152o; (2) the licensee has practiced fraud,
86 deceit or misrepresentation; (3) the licensee has made a material
87 misstatement in the application for issuance or renewal of such license;
88 (4) the licensee has demonstrated incompetence or untrustworthiness
89 in the conduct of the licensee's business; (5) the licensee is subject to a
90 restraining or protective order issued by a court in a case involving the
91 use, attempted use or threatened use of physical force against another
92 person; (6) the licensee has been convicted of a felony, a misdemeanor
93 specified in section 29-152f, as amended by this act, or other crime
94 affecting the licensee's honesty, integrity or moral fitness; or [(6)] (7)
95 the licensee is unsuitable. The suspension or revocation of, or the
96 refusal to renew, any bail enforcement agent's license shall also
97 constitute the revocation of the bail enforcement agent's firearms
98 permit issued pursuant to section 29-152m, as amended by this act.
99 Any bail enforcement agent who fails to surrender such license within
100 five days of notification in writing of the suspension or revocation of,
101 or refusal to renew, such license shall be guilty of a class C
102 misdemeanor. Any party aggrieved by an order of the commissioner
103 under this section may appeal therefrom in accordance with the
104 provisions of section 4-183, except venue for such appeal shall be in the
105 judicial district of Hartford.

106 Sec. 5. Section 29-152l of the general statutes is repealed and the
107 following is substituted in lieu thereof (*Effective October 1, 2013*):

108 (a) No professional bondsman licensed under chapter 533, surety
109 bail bond agent licensed under chapter 700f or bail enforcement agent
110 licensed under sections 29-152f to 29-152i, inclusive, as amended by
111 this act, shall wear, carry or display any uniform, badge, shield or
112 other insignia or emblems that purport to indicate that such bondsman
113 or agent is an employee, officer or agent of the state or any political
114 subdivision of the state or of the federal government.

115 (b) No bail enforcement agent licensed under sections 29-152f to 29-
116 152i, inclusive, as amended by this act, shall wear, carry or display a
117 badge that indicates that he or she is a bail enforcement agent or
118 performs the duties of a bail enforcement agent unless the
119 Commissioner of Emergency Services and Public Protection has
120 approved such badge. If the commissioner suspends or revokes, or
121 refuses to renew, the license of a bail enforcement agent, such agent
122 shall surrender any badge approved by the commissioner pursuant to
123 this subsection when such agent surrenders such license pursuant to
124 section 29-152i, as amended by this act. Any violation of this
125 subsection shall be an infraction.

126 Sec. 6. Section 29-152m of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective October 1, 2013*):

128 (a) No professional bondsman licensed under chapter 533, surety
129 bail bond agent licensed under chapter 700f or bail enforcement agent
130 licensed under sections 29-152f to 29-152i, inclusive, as amended by
131 this act, shall carry a pistol, revolver or other firearm while engaging in
132 the business of a professional bondsman, surety bail bond agent or bail
133 enforcement agent, as the case may be, or while traveling to or from
134 such business unless such bondsman or agent obtains a special permit
135 from the Commissioner of Emergency Services and Public Protection
136 in accordance with the provisions of subsection (b) of this section. The
137 permit required under this section shall be in addition to the permit
138 requirement imposed under section 29-28 and shall not be issued until
139 the applicant has been issued a permit under section 29-28.

140 (b) The Commissioner of Emergency Services and Public Protection
141 may grant to any professional bondsman licensed under chapter 533,
142 surety bail bond agent licensed under chapter 700f or bail enforcement
143 agent licensed under sections 29-152f to 29-152i, inclusive, as amended
144 by this act, a permit to carry a pistol or revolver or other firearm while
145 engaging in the business of professional bondsman, surety bail bond
146 agent or bail enforcement agent, as the case may be, or while traveling
147 to or from such business, provided that such bondsman or agent has

148 proven to the satisfaction of the commissioner that such bondsman or
149 agent has successfully completed a course, approved by the
150 commissioner, of training in the safety and use of firearms. [The
151 commissioner shall adopt regulations in accordance with the
152 provisions of chapter 54 concerning the approval of schools,
153 institutions or organizations offering such courses, requirements for
154 instructors and the required number of hours and content of such
155 courses.]

156 (c) [Application] An application for a permit [issued] pursuant to
157 this section shall be made on forms provided by the commissioner and
158 shall be accompanied by a [sixty-two-dollar] fee of sixty-two dollars.
159 Such permit shall have an expiration date that coincides with that of
160 the state permit to carry a pistol or revolver issued pursuant to section
161 29-28.

162 (d) A permit issued pursuant to this section shall be renewable
163 every five years with a renewal fee of sixty-two dollars. Each holder of
164 a permit issued pursuant to this section shall successfully complete an
165 annual firearms safety refresher course approved by the commissioner
166 as a condition of such renewal. The commissioner shall send, by first
167 class mail, a notice of expiration of the bail enforcement agent firearms
168 permit issued pursuant to this section, together with a notice of
169 expiration of the permit to carry a pistol or revolver issued pursuant to
170 section 29-28, in one combined form. The commissioner shall send
171 such combined notice to the holder of the permits not later than ninety
172 days before the date of the expiration of both permits, and shall
173 enclose a form for renewal of the permits. A bail enforcement agent
174 firearms permit issued pursuant to this section shall be valid for a
175 period of ninety days after the expiration date, except this provision
176 shall not apply if the permit to carry a pistol or revolver has been
177 revoked or revocation is pending pursuant to section 29-32, in which
178 case the bail enforcement agent firearms permit shall also be revoked.

179 (e) The commissioner shall adopt regulations in accordance with the
180 provisions of chapter 54 concerning the approval of schools,

181 institutions or organizations offering firearms safety courses, the
182 requirements for instructors and the required number of hours and
183 content of such courses.

184 Sec. 7. (NEW) (*Effective October 1, 2013*) (a) On and after October 1,
185 2013, no person may be an instructor for a course in the criminal justice
186 system for purposes of section 29-152f of the general statutes, as
187 amended by this act, or a course in the safety and use of firearms for
188 purposes of subsection (b) of section 29-152m of the general statutes, as
189 amended by this act, without the approval of the Commissioner of
190 Emergency Services and Public Protection.

191 (b) (1) An application for approval as an instructor shall be
192 submitted on a form prescribed by the commissioner. Such application
193 shall be made under oath and contain the following: (A) The
194 applicant's name, address and date and place of birth; (B) the
195 applicant's employment for the five years prior to the date of
196 application; (C) the applicant's education or training in the subject
197 matter of the course required under section 29-152f of the general
198 statutes, as amended by this act, or subsection (b) of section 29-152m of
199 the general statutes, as amended by this act, as applicable; (D) any
200 convictions for violations of the law; and (E) such other information as
201 the commissioner may require by regulation adopted pursuant to this
202 section for purposes of investigating the character, competency and
203 integrity of the applicant.

204 (2) No person shall be approved as an instructor who (A) has been
205 convicted of a felony or any misdemeanor pursuant to section 21a-279,
206 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-
207 176, 53a-178 or 53a-181d of the general statutes, (B) has been denied a
208 license as a professional bondsman, surety bail bond agent or bail
209 enforcement agent, or (C) has had such license suspended or revoked.

210 (3) If a course conducted by an instructor under section 29-152f of
211 the general statutes, as amended by this act, or subsection (b) of section
212 29-152m of the general statutes, as amended by this act, is approved by
213 the commissioner on or before October 1, 2013, the instructor of such

214 course shall, notwithstanding subsection (a) of this section, have until
215 April 1, 2014, to apply for approval as an instructor in accordance with
216 this subsection.

217 (c) Upon being satisfied, after investigation, that the applicant
218 satisfies the requirements of subsection (b) of this section and is a
219 suitable person to be approved as an instructor, the commissioner may
220 issue an approval to such applicant to do business in this state as an
221 approved instructor. The fee for such approval shall be fifty dollars.
222 The term of such approval shall not exceed two years from the date of
223 the initial approval. Any person approved as an instructor under this
224 section shall notify the commissioner of any change in such person's
225 address not later than two business days after such change. The
226 notification shall include the person's old address and new address.

227 (d) Each person approved as an instructor under this section may
228 apply for renewal of such approval on a form prescribed by the
229 commissioner that provides for the disclosure of such information as
230 the commissioner may require to determine whether such person's
231 suitability to continue as an instructor has changed since the issuance
232 of the prior approval. The fee for such renewal shall be fifty dollars.

233 (e) The commissioner may adopt regulations, in accordance with the
234 provisions of chapter 54 of the general statutes, to implement the
235 provisions of this section.

236 (f) Any person who violates any provision of subsection (a) of this
237 section shall be fined seventy-five dollars for each offense. Each
238 distinct violation of subsection (a) of this section shall be a separate
239 offense and, in the case of a continuing violation, each day thereof shall
240 be deemed a separate offense.

241 Sec. 8. (NEW) (*Effective October 1, 2013*) The Commissioner of
242 Emergency Services and Public Protection may suspend, revoke or
243 refuse to renew the approval of any instructor issued pursuant to
244 section 7 of this act, provided the commissioner has given notice to the
245 instructor to appear before the commissioner to show cause why the

246 approval should not be suspended, revoked or refused renewal, upon
 247 a finding by the commissioner that the instructor: (1) Has violated any
 248 of the terms or provisions of section 7 of this act; (2) has practiced
 249 fraud, deceit or misrepresentation; (3) has made a material
 250 misstatement in the application for issuance or renewal of such
 251 approval; (4) has demonstrated incompetence or untrustworthiness in
 252 the conduct of the instructor's courses; (5) has been convicted of a
 253 felony, a misdemeanor specified in subdivision (2) of subsection (b) of
 254 section 7 of this act or any crime affecting the instructor's honesty,
 255 integrity or moral fitness; or (6) is otherwise unsuitable. Any party
 256 aggrieved by an order of the commissioner under this section may
 257 appeal therefrom in accordance with the provisions of section 4-183 of
 258 the general statutes, except venue for such appeal shall be in the
 259 judicial district of Hartford.

260 Sec. 9. Section 29-152n of the general statutes is repealed and the
 261 following is substituted in lieu thereof (*Effective October 1, 2013*):

262 Any person who violates any provision of sections 29-152e to
 263 29-152m, inclusive, as amended by this act, for which no other penalty
 264 is provided, shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	29-145
Sec. 2	<i>October 1, 2013</i>	29-147
Sec. 3	<i>October 1, 2013</i>	29-152f
Sec. 4	<i>October 1, 2013</i>	29-152i
Sec. 5	<i>October 1, 2013</i>	29-152l
Sec. 6	<i>October 1, 2013</i>	29-152m
Sec. 7	<i>October 1, 2013</i>	New section
Sec. 8	<i>October 1, 2013</i>	New section
Sec. 9	<i>October 1, 2013</i>	29-152n

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Emergency Services and Public Protection	GF - Revenue Gain	Less than \$25,000	Less than \$1,000

Municipal Impact: None

Explanation

The bill is anticipated to result in a revenue gain of less than \$25,000 in FY 14 due to a new approval process, and accompanying fee of \$50, for instructors who teach criminal justice or firearms safety and use to prospective bondsmen or agents. Because the new approval for such instructors is valid for two years, the revenue gain in FY 15 is anticipated to be less than \$1,000.

There is no fiscal impact associated with the other provisions of the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future on repeating 2-year cycles.

OLR Bill Analysis**SB 825*****AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.*****SUMMARY:**

This bill makes changes in the laws governing professional bondsmen, bail enforcement agents, and surety bail bond agents. It:

1. requires professional bondsmen and bail enforcement agents to be at least age 21 and have a high school diploma or equivalent education;
2. allows the Department of Emergency Services and Public Protection (DESPP) commissioner to suspend or revoke the license of an agent or bondsman subject to a restraining or protective order for using or attempting or threatening to use force against someone;
3. requires annual firearms refresher training for professional bondsmen, bail bond agents, and bail enforcement agents issued a DESPP special firearms permit to carry firearms on the job; and
4. requires (a) DESPP to approve bail enforcement agent badges and (b) an agent to surrender the badge if his or her license is revoked, suspended, or not renewed.

The bill requires DESPP to approve anyone who teaches a criminal justice course for bail enforcement agents or firearms safety course for professional bondsmen, bail enforcement agents, or surety bail bond agents. It costs \$50 to get or renew the approval, which is valid for two years. Teaching without the approval is a violation subject to a \$75 fine per day.

Finally, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2013

AGE AND EDUCATION LICENSURE STANDARDS

By law, professional bondsmen and bail enforcement agents must be licensed by DESPP. The bill adds age and education qualifications to the licensure requirements. It requires applicants to (1) be at least age 21 and have a high school diploma or equivalent education and (2) submit proof of such when they apply for a license.

LICENSE SUSPENSION AND REVOCATION

The bill expands the grounds for license suspension and revocation. It allows the commissioner to suspend or revoke the license of a professional bondsman or bail enforcement agent if the licensee is subject to a restraining or protective order for using or attempting or threatening to use physical force against someone.

Under current law, the commissioner may revoke or suspend the license of a professional bondsman (1) who was convicted of a felony, (2) who engaged in any unlawful activity affecting his or her fitness to stay in business, or (3) whose financial responsibility has been substantially impaired.

Under current law, he may revoke, suspend, or refuse to renew the license of a bail enforcement agent who:

1. violated the laws or regulations governing bail enforcement agents;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in a license or renewal application;
4. demonstrated incompetence or untrustworthiness in conducting business;
5. has been convicted of a felony, specified misdemeanors, or other crime affecting his or her honesty, integrity, or moral fitness; or

6. is unsuitable.

By law, the suspension, revocation, or refusal to renew a bail enforcement agent's license constitutes grounds for the revocation of the person's special permit to carry firearms on, or going to or from, his or her job.

BADGE DISPLAY

The bill prohibits an individual, without DESPP approval, from wearing, carrying, or displaying a badge purporting that he or she is a bail enforcement agent or that he or she performs the duties of such an agent. If the commissioner suspends, revokes, or refuses to renew the individual's license, the agent must surrender the badge when surrendering the license. A violation is an infraction.

FIREARM PROVISION

By law, professional bondsmen, bail bond agents, and bail enforcement agents must obtain a special DESPP permit if they wish to carry firearms on, or while travelling to or from, the job. This is in addition to the gun permit required to carry handguns in the state. The bill conforms the law to current practice by specifying that DESPP cannot issue the special permit before it has issued the state permit.

By law, the special permit (as is the standard gun permit) is valid for five years. The bill requires the licensee to complete an annual firearms safety refresher course approved by the commissioner as a condition of renewing the special permit.

CRIMINAL JUSTICE INSTRUCTORS

Application for Approval as Instructor

By law, (1) bail enforcement agents must successfully complete a criminal justice course of at least 20 hours in the five years before they are licensed and (2) bail bondsmen, bail enforcement agents, and surety bail bond agents carrying firearms on the job must complete training in firearm safety and get the special DESPP gun permit. Both courses must be approved by the DESPP commissioner.

Beginning October 1, 2013, the bill requires the commissioner to also approve course instructors. For a course approved by the commissioner on or before October 1, 2013, the bill gives the instructor until April 1, 2014 to apply for approval as an instructor.

The penalty for teaching without the commissioner's approval is a \$75 fine for each offense. Each violation is a separate offense, as is each day of a continuing violation.

Anyone seeking approval as an instructor must complete, under oath, a DESPP application. The application must include:

1. his or her name, address, birth date and birth place; employment during the five years preceding the application; and education or training in criminal justice or firearms safety and use, as applicable;
2. information on any convictions; and
3. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may approve applicants he deems suitable and who meet the bill's requirements. The approval is valid for up to two years and costs the applicant \$50. He may not approve anyone (1) who has been denied a license as a professional bondsman, surety bail bond agent, or bail enforcement agent; (2) whose license has ever been revoked or suspended; or (3) who has ever been convicted of a felony or any of the following misdemeanors:

1. criminally negligent homicide (excluding deaths caused by motor vehicles);
2. 3rd degree assault;
3. 3rd degree assault of a blind, elderly, disabled, pregnant, or mentally retarded person;

4. 2nd degree threatening;
5. 1st degree reckless endangerment;
6. 2nd degree unlawful restraint;
7. 2nd degree failure to appear;
8. 1st or 2nd degree riot;
9. inciting to riot;
10. 2nd degree stalking; or
11. a first offense involving possession of one-half ounce or more but less than four ounces of an illegal drug.

Suspension of Instructor Approval

The commissioner may suspend, revoke, or deny an approval, after notice and hearing opportunity, if the person:

1. violated the bill's specified laws or regulations governing course instructors;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the application for issuance or renewal of the approval;
4. was incompetent or untrustworthy in teaching his or her courses;
5. has been convicted of any (a) felony, (b) misdemeanor crime that would have made him or her ineligible for approval, or (c) other crime affecting his or her honesty, integrity, or moral fitness; or
6. is otherwise unsuitable.

Aggrieved parties may appeal the commissioner's order to the Hartford Superior Court.

Renewal of Approvals

Requests for approval must be made on a DESPP form and include any information DESPP requires to determine an applicant's suitability to continue as an instructor. The renewal fee is \$50.

Address Changes

The bill requires an instructor who changes his or her address to inform DESPP of the new and former addresses within two business days after the change.

Implementing Regulations

The bill allows the commissioner to adopt regulations implementing the laws governing criminal justice instructors.

By law, he must already adopt regulations for the approval of schools, institutions and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 24 Nay 0 (02/28/2013)